

TC 621-07
SUB

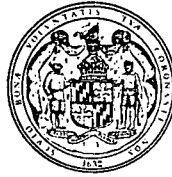
Graves, John
1092

51829-6881

10/17/07
10/14/07
MK 2/25/08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

February 25, 2008

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: 1092
Graves Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision plan. The applicant proposes to create a two-lot subdivision on property that is partially located within a Resource Conservation Area (RCA). Currently, the site is undeveloped. Total parcel size is 39.851 acres. Upon subtracting state-owned wetlands from the total area of the parcel, developable acreage falls to 39.744 acres. The parcel will be broken into a 21.070 acre lot (Lot 1) and a 15.834 acre lot (Lot 2). The amount of impervious surface permitted will be 133,771 square feet for Lot 1 and 106,511 square feet for Lot 2. Total forested area onsite is 407,868 square feet (25.37% of the total site area).

Based on the information provided, we have the following comments on this project:

1. Aerial photography reveals that the forested area currently located on the southern portion of Lot 2 is listed as Forest Interior Dwelling Bird (FIDS) habitat. Development should be restricted to non-forested areas if possible. However, if forest disturbance is unavoidable, then the applicant will need to follow the site design guidelines for FIDS habitat protection that can be found in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" (<http://www.dnr.state.md.us/criticalarea/guidancepubs/index.html>). Measures of protection include restricting development to the outer edges of FIDS habitat, limiting construction to areas that will remove only thin strips of forest that are 300 feet wide or less, and minimizing the number and lengths of driveways and roadways. Time of year restrictions for construction may also be necessary. In addition, mitigation, including the creation of new FIDS habitat, will be required.

2. If forest is cleared in the future for this project, then mitigation will be required. If up to 20% of forest is cleared from the parcel, then mitigation at a ratio of 1:1 is required; if clearing is between 20% and 30%, then mitigation is 1.5:1; clearing of over 30% of the site requires 3:1 mitigation.
3. Based on the site plan, it appears that the regulated ditch is part of the expanded Buffer. Therefore, any impacts to this area will be subject to Buffer regulations.

Thank you for providing the opportunity to comment on this project. If you have any questions, feel free to call me at (410) 260-3483.

Sincerely,

Nick Kelly

Nick Kelly

Natural Resource Planner

cc: TC 621-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401

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www.dnr.state.md.us/criticalarea/

October 17, 2007

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
11 N. Washington Street
Courthouse
Easton, Maryland 21601

Re: 1092
Graves Subdivision

Dear Ms. Verdery:

Thank you for providing information on the above referenced subdivision plan. The applicant proposes to create a two-lot subdivision on property that is partially located within a Resource Conservation Area (RCA). Currently, the site is undeveloped. Total parcel size is 36.904 acres. Upon subtracting state-owned wetlands from the total area of the parcel, developable acreage falls to 36.774 acres. The parcel will be broken into a 20.603 acre lot (Lot 1) and a 16.301 acre lot (Lot 2). The amount of impervious surface permitted will be 133,771 square feet for Lot 1 and 106,511 square feet for Lot 2. Total forested area onsite is 407,868 square feet (25.37% of the total site area).

Based on the information provided, we have the following comments on this project:

1. The applicant proposes to create a two-lot subdivision on a parcel that is comprised of 36.774 acres of developable land, which is approximately a 1:18 density. As stated in COMAR 27.01.02.05§C(4), "Land within the resource conservation area may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres." Based on this criterion, the applicant is allotted only one development right for this parcel and thus cannot create a two-lot subdivision.
2. Talbot County Soil Surveys show the presence of two intermittent streams that are not shown on the site plan. The first stream is located within the tree line on the western portion of the parcel that connects the nontidal wetlands and the forested area on the southern portion of the parcel. The second stream runs parallel to the northwestern property line of the parcel and intersects the first stream. The soil

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



surveys also show that the area of tidal wetlands extends down the western portion of the parcel. Please have the applicant perform a stream and wetland delineation to ensure that all streams, tidal, and nontidal wetland areas are properly mapped. An updated tidal wetlands delineation will also help determine the total buildable area and the amount of impervious surface allowed for both lots. In addition, the 100-foot Buffer must be established landward from the mean high water line of tidal waters, tributary streams, and tidal wetlands. Therefore, the applicant must recalculate the 100-foot Buffer, taking the tidal wetlands on the western portion of the property into account.

3. Aerial photography reveals that the forested area currently located on the southern portion of Lot 2 is listed as Forest Interior Dwelling Bird (FIDS) habitat. Development should be restricted to nonforested areas if possible. However, if forest disturbance is unavoidable, then the applicant will need to follow the site design guidelines for FIDS habitat protection that can be found in "A Guide to the Conservation of Forest Interior Dwelling Birds in the Critical Area" (<http://www.dnr.state.md.us/criticalarea/guidancepubs/index.html>). Measures of protection include restricting development to the outer edges of FIDS habitat, limiting construction to areas that will remove only thin strips of forest that are 300 feet wide or less, and minimizing the number and lengths of driveways and roadways. Time of year restrictions for construction may also be necessary. In addition, mitigation of new FIDS habitat will be required.
- ✓ 4. The applicant must receive a letter from the Department of Natural Resources (DNR) Wildlife and Heritage Division evaluating the property to determine if there is the presence of any threatened or endangered species onsite. If present, the applicant must address all recommendations from DNR for protection of this species. Please forward to this office a copy of this letter. If there is the presence of such species onsite, a Habitat Protection Plan must be submitted to address proposed impacts.
5. If forest is cleared in the future for this project, then mitigation will be required. If up to 20% of forest is cleared from the parcel, then mitigation at a ratio of 1:1 is required; if clearing is between 20% and 30%, then mitigation is 1.5:1; clearing of over 30% of the site requires 3:1 mitigation.

Thank you for providing the opportunity to comment on this project. If you have any questions, feel free to call me at (410) 260-3483.

Sincerely,


Nick Kelly

Natural Resource Planner

cc: TC 621-07



TALBOT COUNTY OFFICE OF PLANNING AND ZONING

28712 Glebe Road, Suite 2

Easton, Maryland 21601

TECHNICAL ADVISORY COMMITTEE REVIEW

REVIEW PREPARED BY: Mary Kay Verdery, Assistant Planning Officer *[Signature]*

APPLICANT NAME: **GRAVES FAMILY, LLC c/o John & Stella Graves**

ADDRESS: 9403 Spruce Tree Circle, Bethesda, MD 20815

PROJECT NAME: Subdivision plat on the lands of Graves Family, LLC

LOCATION: Deep Neck Road, Royal Oak, MD

TAX MAP: 46

GRID: 1

PARCEL: 166

REQUEST: Minor single lot subdivision plat – sketch

ZONING: Rural Conservation

AGENT: Lane Engineering, LLC

TAC REVIEW DATE: November 14, 2007

COMMENTS:

1. The owner's information states that this project is submitted in care of John and Stella Graves. A signature block is provided for John Graves only. An additional signature block shall be provided for Stella Graves or her name shall be removed from the owner's information.
2. The 25' non-tidal wetland buffer should be added to the building restriction note.
3. The information provided within the flood zone note is inconsistent with that delineated in the plan view.
4. For clarity the Reservation of Development Rights Area acreage shall be defined in the Development Rights Calculation note.
5. The Forest Calculation note shall be expanded to state the percentage of forest cover on site.
6. For clarity, an inset shall be provided in the vicinity of the Sewage Disposal Areas on Lot 1 & Lot 2 and shall define the extent of the non-tidal wetlands in this area.
7. The entirety of the 25' buffer shall be shown around the non-tidal wetlands delineated on Lot 1.

8. The scale of the Reservation of Development Rights pattern provided in the legend is inconsistent with that shown in the plan view.
9. The "proposed" SDA label in the legend shall be revised to state "indicates Sewage Disposal Area approved hereon".
10. The "abandoned" SDA label in the legend shall be revised to state "indicates Sewage Disposal Area hereby abandoned".
11. There are two periods provided in the COMAR reference in the Natural Resource Conservation Service note.
12. As the purpose of the vicinity map is to assist in locating the subject lands the focus area shall be shifted to the east to include additional land and road versus the vast area of Broad Creek.
13. The actual parcel location shall be better defined and Broad Creek shall be labeled in the revised vicinity map.
14. A copy of the Department of Natural Resources, Heritage and Biodiversity Division letter confirming if there are rare, threatened or endangered species on this site shall be forwarded to the Planning Office.
15. A critical area environmental assessment shall be completed for this project and submitted to Planning and Zoning prior to preliminary plat submittal.

12-15-

There WAS NO written
response to your comments

Did you want me to
reject it or let it go?
Also WAS not sure of #1, 2
of Nick Kelley? #1 - OK
Crystal #2 ✓
w/ Brian

Just leave it in my desk
and I will take care of
it Monday. Have A Happy
New Year!

Captal

If the submittal is
incomplete it must be rejected

TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS

28712 GLEBE ROAD, SUITE 3
EASTON, MARYLAND 21601
PHONE 410-770-8170

MEMORANDUM

TO: Mary Kay Verdery, Planning & Zoning

FROM: Mike Mertaugh *MM*

DATE: November 14, 2007

SUBJECT: "Subdivision Plat on the Lands of Graves Family, LLC"
Tax Map 46, Grid 1, Parcel 166
Deep Neck Road (public – County)
Lane Engineering

RE: Technical Advisory Committee
Plat Review

We have reviewed the referenced plat and offer the following comments:

1. An existing agricultural access was observed during our site inspection, at the direct access denial area. This existing improvement should be shown on the plat and the access restriction modified to allow agricultural access.
2. Considering the distance from public road and the likely building areas of proposed lots, the developer may want to consider a shared driveway easement for these lots to minimize impervious area in the critical area and also to minimize impacts to agricultural land.
3. The location of proposed property line and the presence of non-tidal wetlands appear to severely restrict access at the waterfront portion of Lot 1. To ensure access is feasible for the likely building pad of this Lot, a wetlands delineation should be performed in this area.
4. The surveyor should check for the existence of drainage ways within the hedgerows that traverse the proposed Lots. Based on our site inspection, it appeared that drainage ways do exist in these areas.
5. Based upon our site inspection, there are existing breaks in the hedgerows of the subject lands. The features should be represented on the plat.
6. The shoreline of subject lands is rip rapped. This improvement should be represented on the plat.

Mary Kay Verdery, Planning & Zoning
Plat Review: Graves Family, LLC
Date: November 14, 2007
Page No. 2

7. The area of plat, in vicinity of sewage disposal areas, is very difficult to read. The representation of this area should be modified and/or a blow up of this area should be provided on the plat.

If there are any questions or if additional information is needed concerning these comments please give me a call at x8170.



**TALBOT COUNTY HEALTH DEPARTMENT
OFFICE OF ENVIRONMENTAL HEALTH**

SUITE 4
28712 GLEBE ROAD
EASTON, MARYLAND 21601
PHONE 410-770-6880

MEMORANDUM

TO: Mary Kay Verdery
Assistant Planning Officer

FROM: Anne Morse, R.S. *AM*
Director of Environmental Health

DATE: November 14, 2007

SUBJECT: "Graves Family, LLC"
Tax Map 46, Grid 1, Parcel 166

RE: "November" TAC Review

This office has completed its review of the above referenced project and offers the following comments:

1. An insert must be provided on the plat depicting an area surrounding the two Sewage Disposal Areas and the common lot line between lots 1 & 2. The insert must be drawn to a larger scale so that this office can determine if the information provided is accurate. The insert must label all piezometers, monitoring wells and soil borings. It must also accurately locate the drainage easement along the line of division. The previously approved Sewage Disposal Area for Tax Parcel 166 that was approved and shown on a plat entitled "Asbury" dated April of 1982 must be shown on the inset as: "Previously approved Sewage Disposal Area Hereby Abandoned."
2. The Health Officer signature block wording must be revised. Remove the words "Tax Parcel 166" and begin the paragraph with Lots 1 and 2 as shown hereon. . . The 5th line of the paragraph must be revised to remove the word "parcel" and insert the word "lots." The word "is" must be changed to the word "are."
3. Revise the legend to eliminate the word "proposed" from the symbol for Sewage Disposal Area. The symbol should represent the Approved Sewage Disposal Areas.
4. Revise the definition of the Sewage Disposal Areas in the legend to clarify Sewage Disposal Area Hereby Approved and Sewage Disposal Area Hereby Abandoned.

If there are any questions or if additional information is needed concerning these comments please give me a call at 410-770-6880.



Talbot Soil Conservation District

215 Bay St. - Easton, MD 21601-2733 - Phone (410) 822-1583, Ext. 3, (410) 822-1577, Ext. 3 - Fax (410) 820-8919


November 14, 2007

George Kinney
Mary Kay Verdery
Talbot County Planning & Zoning
28712 Glebe Rd., Ste. 2
Easton, MD 21601


Re: Graves Family, LLC c/o John and Stella Graves
Sketch Minor Subdivision
Minor 2 Lot Subdivision


Dear George and Mary Kay:

Please accept the following as Talbot Soil Conservation District's (SCD) review comments for inclusion as part of the Talbot County Technical Advisory Committee review:

-  1.) Minor single lot subdivisions with no further development or construction disturbance do not require any further review or approval from the Talbot SCD.

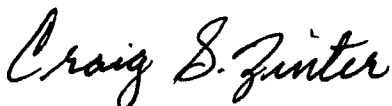
As always, the resulting lot and any proposed land clearing, grading, or other earth disturbance within the unincorporated areas of Talbot County that fall under the following, would require an erosion and sediment control plan approved by the Talbot SCD:

 Parcels \leq 2.0 acres disturbing between 5,000 – 15,000 sq. ft. and/or 100 – 500 cu. yds. shall file a Standard Erosion and Sediment Control Plan.

 Parcels \geq 2.0 acres disturbing more than $\frac{1}{2}$ acre (21,780 sq. ft.) shall file a site specific Erosion and Sediment Control Plan.

This application for Graves Family, LLC c/o John and Stella Graves - Sketch Minor Subdivision for a Minor 2 Lot Subdivision does not appear to propose earth disturbance approaching the limits stated above. Any future disturbance approaching those limits stated above may require erosion and sediment control review and approval.

Yours in conservation,



Craig S. Zinter
District Manager
Talbot SCD

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel 410-221-0818
Fax 410-476-9942

117 Bay Street
P.O. Box 1767
Easton, Maryland 21601
Tel 410-822-8003
Fax 410-822-2024

114B West Water Street
Centreville, Maryland 21617
Tel 410-758-2095
Fax 410-758-4422

December 20, 2007

Ms. Mary Kay Verdery, Asst. Planning Officer
Talbot County Office of Planning and Zoning
28712 Glebe Road, Suite 2
Easton, Maryland 21601

RE: Graves Family, LLC – minor subdivision
Resubmittal for TAC
46-1-166

Dear Mary Kay:

Please find enclosed ten (10) copies of the above noted plat, which has been revised per the following TAC comments of November 14, 2007:

Planning and Zoning

- ✓ 1. Stella Graves has been removed from the owners information block.
- ✓ 2. The 25' BRL from nontidal wetlands has been added to the building restriction note.
- ✓ 3. The information in the flood zone note is now consistent with the plan view.
- ✓ 4. The RDR area is now defined in the Development Rights Calculations section for clarity.
- ✓ 5. The forest note has been expanded to state the percentage of forest on site.
- ✓ 6. An inset is now provided for area of the 2 SDA's.
- ✓ 7. The entirety of the buffer around the nontidal wetlands on Lot 1 is now shown.
- ✓ 8. The scale of the RDR pattern in the legend is now consistent with the plan view.
- ✓ 9. The legend for the proposed SDA has been revised to state "SDA hereby approved".
- ✓ 10. The legend for the abandoned SDA has been revised to state "SDA hereby abandoned".
- ✓ 11. The COMAR reference in the NRCS note has been revised.

Dept of Public Works

- ✓ 1. The agricultural access is shown on the plan and the access restriction has been modified to allow agricultural access.
- ✓ 2. We have not shown a shared access easement at this time.



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mail@laneengineering.com

- ✓ 3. A wetlands delineation has been performed on proposed Lot 1. A letter from Stark McLaughlin is included that stipulates this.
- ✓ 4. The western hedgerow contains a "5' wide regulated nontidal wetland farm ditch" per MDE and is labeled as such. The eastern hedgerow does not contain any flow.
- ✓ 5. The breaks in the hedgerows are now shown.
- ✓ 6. The rip rap at the shoreline is now shown.
- ✓ 7. A blow up of the SDA areas is now included.

Talbot County Health Dept

- ✓ 1. An insert has been provided of the SDA areas. In addition, a similar insert, at a smaller scale, was provided to your office for review.
- ✓ 2. The Health Officer signature block wording has been revised as requested.
- ✓ 3. The legend has been revised to eliminate the word, "proposed" from the SDA label.
- ✓ 4. The definition of the SDA's in the legend have been revised to state "SDA hereby approved/hereby abandoned".

Talbot SCD

- ✓ 1. As no disturbance is proposed, an SCS plan is not required.

Environmental Planner

- 1. No comments received in TAC package.

Critical Area Commission

- 1. The addition of the lot acreages and the Reservation of Development Rights area equals the required 40 acres.
- 2. Soil surveys are not accurate and are not the reference maps utilized by the County for stream location; quad maps area. Further, there are no streams on site. MDE has verified the presence of a nontidal wetland Ag ditch in the western hedgerow; there is no flow in the eastern hedgerow.
- ✓ 3. We understand the FIDS design guidelines, which are also stated on the plat in the environmental notes section.
- ✓ 4. A DNR heritage letter is enclosed.
- ✓ 5. We understand mitigation is required for forest clearing.

As all issues have been addressed, please place the revised plat on the agenda for review by the TAC committee on March 12, 2008; planning commission review is not required.

Sincerely,

Lane Engineering, LLC


Elizabeth Fink

Project Planner

Cc: John Graves

Lane Engineering, LLC

Established 1986

Civil Engineers • Land Planning • Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel 410-221-0818
Fax 410-476-9942

117 Bay Street
P.O. Box 1767
Easton, Maryland 21601
Tel 410-822-8003
Fax 410-822-2024

114B West Water Street
Centreville, Maryland 21617
Tel 410-758-2095
Fax 410-758-4422

December 17, 2007

Ms. Elisa Deflaux, Zoning Inspector
Talbot County Office of Planning and Zoning
28712 Glebe Road Suite #2
Easton, Maryland 21601

RE: Nontidal Wetlands – Graves Family LLC – Deep Neck Road Talbot Co. Tax Map 46
Parcel 166

Dear Ms. Deflaux:

The wetland and shoreline delineations completed on the above referenced property were conducted in full compliance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The site contains a defined and delineated tidal wetland area as part of the shore line and extends inland on the north property line. The transition area to nontidal is defined by a crossing used for farm equipment. The nontidal wetlands include a small pond area dominated by cattails and parts of the hedgerow. There are two hedgerows located on the property. These areas have grown up beside agricultural ditches. The one nearest the waterfront does contain a 5 five foot wide bottom which the Maryland Department of the Environment (MDE) has established as nontidal. As per the Oxford USGS Quadrangle Map no perennial or intermittent streams are located on the site. The second hedgerow is not defined as nontidal but only as an agricultural ditch. The vegetation in the second ditch is defined by cedar, oaks, loblolly pine, black cherry and sweet gum. Extensive shoreline restoration has been conducted on the site. The entire waterfront is stabilized with stone rip rap. As part of my investigation of the site Mr. Allan Kampmeyer from MDE as been to the site and confirmed my findings.

I can and do represent myself as a fully trained and qualified environmental consultant for the purpose of field delineations and verification of tidal and nontidal wetlands.

Professional transcripts and training certification is on record and available upon request.

Best regards,
Lane Engineering, Inc.

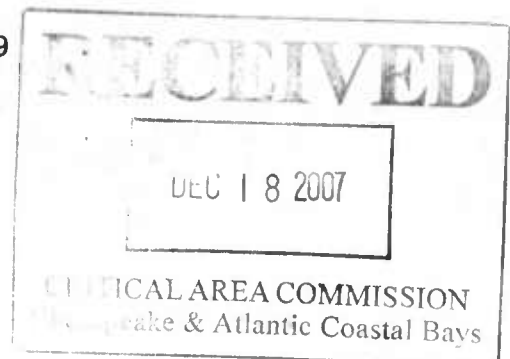

M. Stark McLaughlin

Environmental Planner-Register Professional Forester #159
Certified Arborist # MA3271
Certified Pesticide Applicator – Forest # 28382-2329

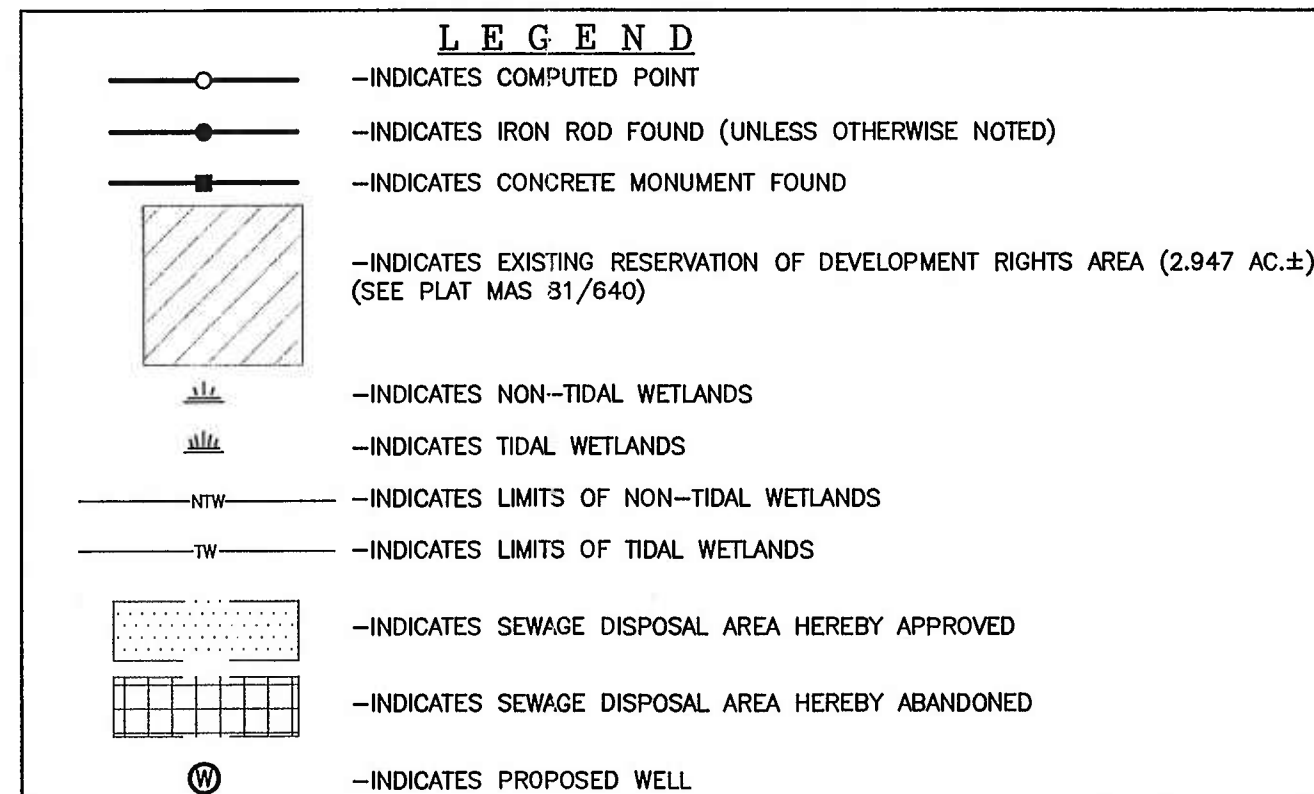
CC: N. Kelly



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mail@laneengineering.com



HEALTH OFFICER _____ DATE _____



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